

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

DAVID WORKMAN,

Plaintiff,

V.

NORTH AMERICAN LIGHTING, INC.

Defendant.

Case No.: 3:21-cv-1230

NOTICE OF REMOVAL

**TO: THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

COMES NOW Defendant North American Lighting, Inc. (“NAL”), by and through its undersigned counsel, and hereby files its Notice of Removal of this action from the Circuit Court of the Fourth Judicial Circuit, Clay County, Illinois, to the United States District Court for the Southern District of Illinois. In support thereof, NAL respectfully states to this honorable Court as follows:

1. NAL is named as a party in a civil action brought against it by Plaintiff David Workman (hereinafter “Plaintiff”) in the Circuit Court of the Fourth Judicial Circuit, Clay County, Illinois, entitled David Workman v. North American Lighting, Inc., Civil Case No. 2021-L-8 (the “Lawsuit”).

2. On or about September 10, 2021, a copy of a Summons and Complaint in the Lawsuit was served on Defendant NAL.

3. A true copy of the documents that have been served on Defendant NAL are attached hereto as Exhibit A and constitute all process, pleadings and orders that have been served on Defendant NAL in the lawsuit.

4. The Lawsuit filed by Plaintiff is a civil action asserting a claim against NAL pursuant to the Family Medical Leave Act (“FMLA”) alleging that NAL interfered with the exercise of Plaintiff’s rights under the FMLA.

5. Although Defendant NAL denies the allegations made in the Complaint, Plaintiff has purported to state federal questions on the face of his Complaint.

6. Thus, this Court has original jurisdiction over the above-described action on the basis of a federal question pursuant to 28 U.S.C. §1331 as a result of Plaintiff’s claim arising under the FMLA, 29 U.S.C. § 2601, *et seq.*

7. Plaintiff’s sole claim in the Complaint is asserted under the FMLA.

8. Venue lies in this Court because Plaintiff’s action is pending in the Circuit Court of the Fourth Judicial District, Clay County, Illinois, which is within this district and the Benton division. 28 U.S.C. § 1441(a).

9. Therefore, removal of the Lawsuit to this Court is proper pursuant to 28 U.S.C. §1441(a).

10. This Notice of Removal has been filed within thirty (30) days of the service of the initial pleading on Defendant NAL.

11. NAL’s Notice of Removal is accompanied by notice to Plaintiff and a copy of the Notice of Removal is being filed with the applicable state court as required by 28 U.S.C. §1446(d).

WHEREFORE, Defendant North American Lighting, Inc. gives this Notice of Removal of the Lawsuit which was filed in the Circuit Court for the Fourth Judicial Circuit, Clay County, Illinois.

Respectfully Submitted,

MCMAHON BERGER, P.C.,

/s/ Brian M. O'Neal

Brian M. O'Neal, IL # 6287007
2730 North Ballas Road, Suite 200
P.O. Box 31901
St. Louis, MO 63131-3039
(314) 567-7350 – Telephone
(314) 567-5968 – Facsimile
oneal@mcmahonberger.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I have this 8th day of October, 2021, served a true and correct copy of the foregoing via first class mail, postage prepaid, upon counsel of record addressed as follows:

Garth E. Flygare, Esq.
Smallhorn Law, LLC
600 Jackson Avenue
Charleston, IL 61920
(217)348-5253 – Telephone
gflygare@smallhornlaw.com
Attorneys for Plaintiff

/s/ Brian M. O'Neal